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SUBJECT: SYRIAN MILITARY COURT GIVES KAMAL LABWANI ANOTHER THREE YEARS

Classified By: CDA Michael H. Corbin for reasons 1.4 b and d

¶1. (C) Summary: The Syrian Military Court sentenced imprisoned political dissident Kamal Labwani to an additional three years in prison on top of a 12-year sentence related to 2005 meetings he had with U.S. government officials and the Syrian opposition in the U.S. and Europe. Diplomats from the UK and German Embassies who joined poloff in observing the trial said they will encourage the EU Presidency to make a statement regarding the verdict. See paragraph five for draft language for a possible statement on the verdict. End Summary.

¶2. (C) On April 23, the Mezze Military Court in Damascus convicted imprisoned political reformer Kamal Labwani of insulting the President, which adds three years to his 12-year prison term. The accusations stem from comments Labwani made in court and allegedly in Adra, a Prison during the course of his criminal trial in spring of 2007. In that criminal trial Labwani was accused, convicted and sentenced to 12 years for, "encouraging a foreign power to invade Syria during a time of war." Labwani was first arrested upon his return from a three month trip to Europe and the U.S., during which time he participated in a voluntary International Visitors Program (IVP). (Note: Labwani had previously headed the now defunct Liberal Democratic Union which was active in trying to create a secular-oriented alternative to the Ba'ath Party in 2004-2005.) Many in the opposition speculate that Labwani crossed many of the SARG's redlines when he met with senior USG officials in Washington and the exiled leader of the Syrian Muslim Brotherhood Ali Sadreddine Bayanouni in Paris.

¶3. (C) Labwani's conviction and 12-year sentence were upheld by the Cassation Court (Syria's highest court) on April 9. Labwani's defense lawyers appealed the original Criminal Court decision arguing that the presiding judge erred on several key points of the law including the fact that Syria is not in a state of war and that the government failed to produce key pieces of evidence against Labwani. Moderate Islamist member of the Damascus Declaration National Council Fawaz Tello said that on April 12 the regime had opened a new case against Labwani in the Military Court for more alleged anti-government comments Labwani made in prison. (Note: Up till now, Post has been unable to get confirmation of the new charges from any of Labwani's defense lawyers.) Samer Labwani, Kamal's wife, said that the government's ultimate goal is to imprison Labwani for 25 years. To do that, the government will continue to bring new charges against Kamal as soon as the last case finishes, Samer Labwani said. Author, poet, and political dissident Mahmoud Sarem was also

present at the trial.

¶4. (C) Diplomats from the UK, French and German Embassies joined poloff at the April 23 Military verdict to show their solidarity. A UK diplomat told poloff that she and her German counterpart will recommend that the EU Presidency makes a statement denouncing the SARG,s verdict and continued imprisonment of Kamal Labwani. The UK diplomat cautioned however that the EU Presidency has now rotated to the Slovenians who have proved quite slow at making decisions. According to the UK diplomat, the UK may issue its own statement if the EU Presidency under the Slovenians delays action on a statement.

¶5. (C) Post proposes the following draft text if the Department or White House desires to make a statement. Begin text: The U.S. strongly condemns the Syrian Military Court,s decision to sentence Kamal Labwani to an additional three years for allegedly insulting President Bashar al-Asad.

This decision, coupled with the Syrian High Court,s verdict to uphold Mr. Labwani,s earlier 12-year sentence for calling for political reform, demonstrates the Syrian regime,s contempt for human rights, freedom of expression, and the rule of law. We call on the Syrian Government to immediately release Mr. Labwani and all other political prisoners including the 13 Damascus Declaration National Council members, in addition to Omar Abdullah, Anwar al-Bunni, Aref Dalila, Mahmoud Issa, and Michel Kilo.

CORBIN